

ORDINANCE NO. 1612

AN ORDINANCE VACATING A PORTION OF SEVENTH STREET WITHIN THE
CITY OF LYNDEN, WHATCOM COUNTY, WASHINGTON

WHEREAS, the City of Lynden heretofore declared its intention to vacate a portion of Seventh Street ("the vacation"); and fixed the date of the December 7, 2020 as the date for a public hearing on the vacation; and

WHEREAS, notices were duly mailed on October 27, 2020 and published in the Lynden Tribune on November 18, 2020, and posted in accordance with RCW 35.79.020; and

WHEREAS, no adjoining property owner submitted a protest to the vacation; and

WHEREAS, on December 7, 2020, the City Council of the City of Lynden did convene and hold a public hearing on the vacation and has determined to grant the same; and

WHEREAS, the Lynden City Council has determined that future development to be served by the rights-of-way described in Section 1 (below) and shown on Exhibit A (attached) will be limited, that the portion of the right-of-way to be vacated is not needed by the City, and that the public is best served with the described rights-of-way in private ownership; and

WHEREAS, the City Council has determined that the portion of Seventh Street described in Section 1 and shown on Exhibit A will not be extended, and will not serve as a connector street to other, more widely traveled streets; and

WHEREAS, the City Council has determined that this partial street vacation complies with the requirements of RCW 35.79.035(1)(c);

WHEREAS, the City Council accepts the following: The total value of the right-of-way has been determined to be \$3980.00 based on the value of unimproved land in the Assessor's Files. However, the Public Works Director is recommending waiving this assessment for the property. This land was dedicated to the City in conjunction with the owner constructing 4 parking stalls. The recent completion of the City 7th Street Reconstruction Project reduced the number of stalls to two (2) and uses less of the right of way for parking and sidewalk. With the construction of this City project there will no longer be a public purpose for the unused right-of-way except for the utility easement. The applicant is planning to use the vacated land to construct the parking spaces to replace those that were removed, at the applicants cost. Considering these unique circumstances described above and the need for the City to retain easement rights, it seems unreasonable to the City charge the applicant for the property previously donated.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LYNDEN, WASHINGTON, as follows:

Section 1: That the following described portion of said Seventh Street right-of-way is hereby vacated:

THE NORTH 1/2 OF LOT 6 AND THE NORTHEAST 1/2 OF LOT 7, BLOCK 1, "SUPPLEMENTAL AND CORRECTED PLAT OF LYNDEN," ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 3 OF PLATS, PAGE 48, RECORDS OF WHATCOM COUNTY, WASHINGTON

COMMONLY DESCRIBED AS: 250 square feet of right-of-way on the west side of Seventh Street abutting 701 Front Street, Lynden.

Section 2: That a certified copy of this ordinance be sent to the Auditor of Whatcom County, Washington, and recorded by said Whatcom County Auditor.

Section 3: This ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor, otherwise as provided by law, five days after the date of its publication.

PASSED by the City Council this _____ day of _____, 2020. Signed and approved by the Mayor this _____ day of _____ 2020.

MAYOR

ATTEST:

City Clerk

APPROVED AS TO FORM:

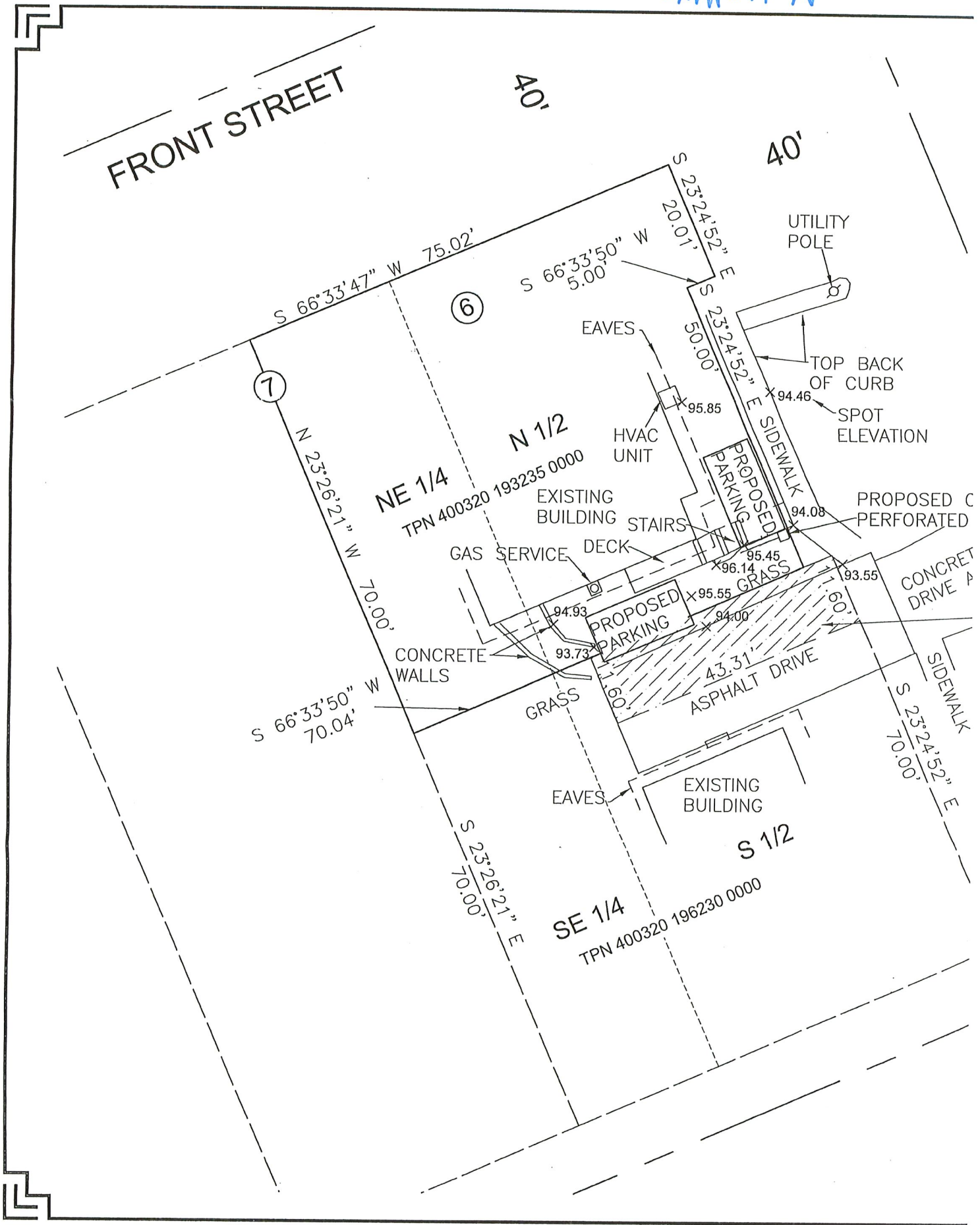
City Attorney

State of Washington
County of Whatcom

Signed by Mayor Scott Korthuis and attested by Pam Brown before me on this ____ day of _____, 2019.

NOTARY PUBLIC, in and for the
State of Washington, residing at

Exhibit A





Date Issued:	November 12, 2020
Project Name:	Vacate #20-01, Groeneweg and Vree
Applicant:	Mark Groeneweg and John Vree
Property Owner:	City of Lynden
Site Address:	7 th Street (701 Front Street)
Zoning Designation:	CSL
Application Type:	Street Vacate
Parcel Size:	
Hearing Type:	Quasi-Judicial
Hearing Objective:	To determine whether the City of Lynden should vacate the right-of-way
Date application determined complete:	October 8, 2020
Date of Publication:	November 18, 2020
SEPA Determination:	SEPA Exempt per WAC 197-11-800(i)
Project Description:	The applicant is seeking the vacation along the west side of 7 th Street, abutting the 701 Front Street parcel.

Summary:

The property in question is located just across the street from the windmill on Front Street. This home was legally converted in 2004 to an office and is used by a CPA. At that time, the property did not have the space to provide the 5 required on-site parking spaces. A variance was approved that allow the owner to create, at their own expense, four angled on-street parking stalls in lieu of the on-site requirement. This action also included a quit claim deed to the city so that the modified sidewalk remained within the ROW.

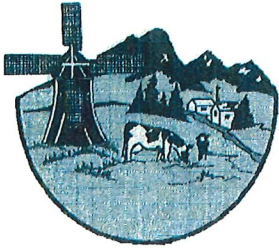
This year the City completed an upgrade to 7th Street at that intersection. To meet engineering standards for intersections only two legal parking stalls were left where there used to be four. Also, the sidewalk was moved far enough away from the subject property that the 5 feet in question are no longer needed within the ROW.

Property owners, Mark Groeneweg and John Vree are requesting that the property line be restored to where it used to be (approximately back of sidewalk). Applicants are planning to install two on-site spaces so that their clients can park in those reserved spots.

The right-of-way property in question is approximately 5-feet in width by 50 feet in length totaling approximately 250 square feet.

Review Comments:

1. *Transportation and Circulation:* Staff has determined that at this time, the right-of-way is not necessary for transportation circulation or public safety access.
2. *Utility Easement Required:* The recent 7th Street project installed a new watermain located approximately 3 feet from the back of the sidewalk. To allow future maintenance and access of this pipe a utility easement will need to be retained over the area being vacated.
3. *Appraisal:* The total value of the right-of-way has been determined to be \$3980.00 based on the value of unimproved land in the Assessor's Files. However, the Public Works Director is recommending waiving this assessment for the property. As mentioned above in the summary above, this land was dedicated to the City in conjunction with the owner constructing 4 parking stalls. The recent completion of the City 7th Street Reconstruction Project reduced the number of stalls to two (2) and uses less of the right of way for parking and sidewalk. With the construction of this City project there will no longer be a public purpose for the unused right-of-way except for the utility easement. The applicant is planning to use the vacated land to construct the parking spaces to replace those that were removed, at the applicants cost. Considering these unique circumstances described above and the need for the City to retain easement rights, it seems unreasonable to the City charge the applicant for the property previously donated. Therefore, the recommendation to not charge the applicant the assessed value of the property.



City of Lynden

APPLICATION FOR VACATION OF CITY RIGHT-OF-WAY

APPLICANT

VAC # 20-01

Name: M&J FRONT LLC, MARK GROENEWEG(50%) & JOHN VREE(50%)

Address: 701 FRONT ST LYNDEN WA 98264

Telephone Number: (360) 354-2228 Fax Number: (360) 354-2229

E-mail Address: megcpa@hotmail.com

Who is the primary contact for this project? This person will receive all official correspondence for the project. Property owner Applicant

Location of property to be vacated (give brief, common description & attach a complete legal description):

Previous location of sidewalk vacated by city when sidewalk location was moved as part of city's improvements along 7th st. Please note that about 15 years ago when the city acquired this right-of-way in question, it acquired it from us without compensating us.

The property is 5 x 50 = 250 square feet

Provide a brief description of the reason for seeking the vacation (attach additional sheets if necessary):

Our proposed project is attempting to add two off-street parking spaces for use by employees and customers of our accounting business.

Provide a brief summary outlining the effect of the proposed vacation on the surrounding area (attach additional sheets if necessary):

Relieve parking demand pressure by increasing the supply of parking spaces by two.

Applicant's Signature: Mark Groeneweg Date: 9-3-2020

Property Owner's Signature: Mark Groeneweg Date: 9-3-2020

JOHN VREE

Property Owner's Printed Name: M&J FRONT LLC Date: 9-3-2020

PRE-APPLICATION MEETING DATE: 9-3-2020 HEARING DATE: _____

(APPLICATIONS WILL NOT BE ACCEPTED WITHOUT FIRST HAVING A PRE-APPLICATION MEETING.)

FEE'S PAID (\$300.00) : _____ DATE PAID: _____ RECEIPT #: _____

Whatcom County Assessor & Treasurer

Property Search Results > 133934 M & J FRONT LLC for Year 2019 - 2020

Property

Account

Property ID:	133934	Abbreviated Legal Description:	LYNDEN N 1/2 OF LOT 6-NE 1/4 OF LOT 7 BLK 1-EXC NE 5 FT OF SE 50 FT THEREOF ADJOINING SEVENTH ST R/W DESC AF 2051100244
Parcel # / Geo ID:	4003201932350000	Agent Code:	
Type:	Real		
Tax Area:	0400 - LYNDEN 504 L C10 LPR	Land Use Code	65
Open Space:	N	DFL	N
Historic Property:	N	Remodel Property:	N
Multi-Family Redevelopment:	N		
Township:	T40N	Section:	20
Range:	R03E	Legal Acres:	0.1100 = 4791.6 sq.

Location

Address:	701 FRONT ST LYNDEN, WA	Mapsco:	
Neighborhood:	2240027200	Map ID:	2DW_S20-S
Neighborhood CD:	2240027200		

Owner

Name:	M & J FRONT LLC	Owner ID:	71270
Mailing Address:	701 W FRONT ST LYNDEN, WA 98264-1819	% Ownership:	100.0000000000%
		Exemptions:	

Pay Tax Due

Taxes and Assessment Details

Property Tax Information as of 10/16/2020

Amount Due if Paid on:  **NOTE:** If you plan to submit payment on a future date, make sure you enter the date and click RECALCULATE to obtain the correct total amount due.

Click on "Statement Details" to expand or collapse a tax statement.

Year	Statement ID	First Half Base Amt.	Second Half Base Amt.	Penalty	Interest	Base Paid	Amount Due
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▶ Statement Details							
2020	88593	\$922.24	\$922.14	\$0.00	\$0.00	\$1844.38	\$0.00
▶ Statement Details							
2019	89084	\$899.62	\$899.52	\$0.00	\$0.00	\$1799.14	\$0.00
▶ Statement Details							
2018	89454	\$1004.72	\$1004.66	\$0.00	\$0.00	\$2009.38	\$0.00
▶ Statement Details							
2017	90040	\$893.21	\$893.10	\$0.00	\$0.00	\$1786.31	\$0.00

Values

(+) Improvement Homesite Value:	+	\$0
(+) Improvement Non-Homesite Value:	+	\$114,012
(+) Land Homesite Value:	+	\$0
(+) Land Non-Homesite Value:	+	\$76,300
(+) Curr Use (HS):	+	\$0 \$0
(+) Curr Use (NHS):	+	\$0 \$0

(=) Market Value:	=	\$190,312
(-) Productivity Loss:	-	\$0

(=) Subtotal:	=	\$190,312
(+) Senior Appraised Value:	+	\$0
(+) Non-Senior Appraised Value:	+	\$190,312

(=) Total Appraised Value:	=	\$190,312
(-) Senior Exemption Loss:	-	\$0
(-) Exemption Loss:	-	\$0

(=) Taxable Value:	=	\$190,312

~~\$190,312~~ = 4791.6 square feet
 39.72 per square foot
 vacates request is for 250' [#]
 = ~~9930.00~~
\$ 3980.00

- Map List
- Taxing Jurisdiction
- Improvement / Building
- Sketch
- Property Image
- Land
- Roll Value History

Year	Improvements	Land Market	Current Use	Total Appraised	Taxable Value
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2020	N/A	N/A	N/A	N/A	N/A
2019	\$114,012	\$76,300	\$0	\$190,312	\$190,312
2018	\$114,012	\$76,300	\$0	\$190,312	\$190,312
2017	\$104,598	\$70,000	\$0	\$174,598	\$174,598
2016	\$100,053	\$65,000	\$0	\$165,053	\$165,053
2015	\$100,053	\$65,000	\$0	\$165,053	\$165,053
2014	\$100,053	\$65,000	\$0	\$165,053	\$165,053
2013	\$100,053	\$65,000	\$0	\$165,053	\$165,053
2012	\$100,053	\$65,000	\$0	\$165,053	\$165,053
2011	\$100,053	\$65,000	\$0	\$165,053	\$165,053
2010	\$99,899	\$60,900	\$0	\$160,799	\$160,799
2009	\$105,157	\$70,000	\$0	\$175,157	\$175,157
2008	\$105,157	\$70,000	\$0	\$175,155	\$175,155
2007	\$105,157	\$70,000	\$0	\$175,155	\$175,155
2006	\$66,204	\$42,500	\$0	\$108,705	\$108,705

[Deed and Sales History](#)

[Payout Agreement](#)

[Assessor Home](#)

[Treasurer Home](#)

Website version: 9.0.50.1004

Database last updated on: 10/16/2020 2:46 AM

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On-street parking & sidewalk configuration prior to recent street improvements.



701 Front St.

North

On-street parking and sidewalk configuration after recent street improvements.

ORIGINAL

CITY OF LYNDEN
BOARD OF ADJUSTMENT

IN RE THE VARIANCE REQUEST OF:
SKGV, LLC,

Petitioners

) No. 04-02
)
) FINDINGS OF FACT AND
) CONCLUSIONS OF LAW
)
)
)

SKGV, LLC, owners of the premises known as 701 Front Street, Lynden, Washington, having made application for a special exception to the Lynden Municipal Code, to allow a variance to Section 19.51.040 of the Lynden Municipal Code to allow four angle parking stalls along S 7th Street in lieu of the required five on-site parking stalls. Said special requests having come before the Board of Adjustment on August 18, 2004, and the Board of Adjustment having fully and duly considered the matter, hereby makes the following:

FINDINGS OF FACT

1. Notice. Proper notices of the hearing were published and posted within the vicinity of the property as required by law.
2. Location. The subject property is located at 701 Front Street, Lynden, Whatcom Co., Washington on real property described as:

THE NORTH ½ OF LOT 6 AND THE NORTHEAST ¼ OF LOT 7, BLOCK 1, "SUPPLEMENTAL AND CORRECTED PLAT OF LYNDEN," ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME 3 OF PLATS, PAGE 48, RECORDS OF WHATCOM COUNTY, WASHINGTON.

3. Ownership. Petitioners are the owners of the subject property.
4. Zone. The subject property is now zoned CS-1 (Community Shopping).
5. Request. The petitioner requests permission for a special exception from Section 19.51.040 of the Lynden Municipal Code regarding on-site parking requirements. The applicants are proposing, in way of mitigation, improving the parking strip on S 7th Street to place four angle parking stalls within the right-of-way.
6. Reason for Request. The petitioner states that a special exception is requested from the on-site parking requirement because there is not adequate space available on-site.
7. Characteristics of Surrounding Area. The area surrounding said property is zoned CS-1 to the north, west and south and is zoned HBD to the east.

8. Evaluation of Request. The property is zoned as CS-1, which requires three parking spaces per 1,000 gross feet of floor area, with a minimum of five stalls. The applicants are proposing, in way of mitigation, improving the parking strip on S 7th Street to place four angle parking stalls within the right-of-way. They are not able to include a fifth stall due to traffic safety considerations. There are other businesses within the CS-1 zone using angle parking within the right-of-way to meet their parking requirements.

From the foregoing Findings of Fact, the Board makes the following:

CONCLUSIONS OF LAW

1. The variance does not constitute a special privilege, and is consistent with the limitation upon uses of other properties in the vicinity and zone in which the subject property is located.
2. The variance is necessary, because of special circumstances relating to the size, shape, location, and surroundings of the subject property, to provide it with rights and privileges permitted to other properties in the vicinity and zone in which the subject property is located.
3. The granting of this variance request will not have a materially adverse impact on the public welfare.

From the foregoing Findings of Fact and Conclusions of Law, the Board makes the following:

DECISION

Petitioner's request for a variance from Section 19.51.040 of the Lynden Municipal Code is hereby granted by a vote of 3-0 to allow the parking strip on S 7th Street to be improved to equip 4 angle parking stalls. This variance approval is subject to the Technical Review Committee Report dated August 22, 2004, and is subject to all zoning and building requirements not specifically varied by this decision.

DATED: August 18, 2004


CHAIRMAN

PROJECT NAME/NUMBER: BOA #04-02
APPLICANT: Mark Groeneweg & John Vree
PROPERTY OWNER: SKGV LLC
PROPERTY ADDRESS: 701 Front Street
PROJECT DESCRIPTION: The applicants are seeking to vary the requirement of Section 19.51.040 requiring 5 on-site parking stalls.

The Technical Review Committee has reviewed the application materials for compliance with existing City plans, standards and development codes and provides the Planning Commission and City Council with the following comments and recommended conditions.

General Findings:

The applicant has met the minimum submittal requirements and the application was determined to be complete on July 20, 2004. The notice of application was published on August 4, 2004.

The City has received proof of certified mailing and the affidavit of posting in accordance with the City's requirements.

The property is zoned as CS-1 and Section 19.51.040 of the Lynden Municipal Code (LMC) requires three parking spaces per 1,000 gross feet of floor area, with a minimum of five stalls.

Planning and Development

1. The applicants are seeking a variance from the on-site parking requirements of Section 19.51.040 LMC. They are proposing, in way of mitigation, improving the parking strip on S 7th Street to place four angle parking stalls within the right-of-way. They are not able to include a fifth stall due to traffic safety considerations.
2. Chapter 19.47 of the Lynden Municipal Code provides the criteria under which a variance may be granted. The applicants have presented materials responding to those criteria for the Board's use. Staff has the following additional notes for the Board's consideration.
 - a. Other businesses within the CS-1 zone using angle parking within the right-of-way to meet their parking requirements are as follows: New York Life Insurance, Keith Bode, and Telganhoff Business Services. Other

**The Technical Review Committee consists of representatives of the following departments: Planning, Public Works, Fire, Parks, and Administration. Other departments are included in the review process based on the type and extent of the proposal.*

businesses and churches also use parallel parking in addition to off-street parking.

- b. In 1992, the City Council passed an ordinance to exempt all previously existing buildings within the HBD from meeting the parking requirements. This was due in part to prior payments that each of these properties made for the parking lots, and in consideration to the desire to encourage new business downtown. The subject property is on the opposite side of the street from the HBD.

Public Works

3. The installation of the new parking stalls must meet the City's standards.

Fire and Life Safety

4. The Fire Department has reviewed this request and has no comments on the proposed variance.

Parks and Recreation

5. The Parks Department has reviewed this request and has no comments on the proposed variance.

Administration

6. The Administration has reviewed this request and has no comments on the proposed variance.

**The Technical Review Committee consists of representatives of the following departments: Planning, Public Works, Fire, Parks, and Administration. Other departments are included in the review process based on the type and extent of the proposal.*

